

### REMARKS

This Amendment is responsive to the Examiner's Office Action of May 4, 2004. In such Action, claims 12 and 21 were objected to and claims 1, 3, 4, 7, 11-13, 16-18, 21, 22, and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0072955 to Brock (hereinafter "*Brock*"), in view of U.S. Publication No. 2002/0108125 to Joao (hereinafter "*Joao*"), and in further view of U.S. Pat. No. 6,256,663 to Davis (hereinafter "*Davis*"). Claims 5, 6, 8, 9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brock*, in view of *Joao*, in further view of *Davis*, as applied to claims 1-12, and in further view of U.S. Publication No. 2002/0002482 to Thomas (hereinafter "*Thomas*"). Claims 10 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brock*, in view of *Joao*, in further view of *Davis*, in further view of *Thomas* as applied to claim 7, and in further view of U.S. Patent No. 6,385,590 to Levine (hereinafter "*Levine*"). Applicant respectfully traverses the Examiner's rejection of the claims and offers the foregoing amendments and following remarks in support thereof.

Claims 1, 5, 7, 12, 14, 17 and 21 have been amended. Claims 32-39 have been added. Claims 2-4, 6, 8, 9, 19, 20, 23 and 27-31 have been canceled without prejudice by this amendment or previous amendment. No new matter has been inserted. Claims 1, 5, 7, 10-18, 21, 22, 24-26 and 32-39 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

The claims have been amended to overcome the Examiner's objections.

Applicant has provided a new Abstract to correspond to the invention now more clearly claimed by Applicant. The original Abstract, in substantially the same form, has been added to the "Summary of the Invention" section by this Amendment.

As to the Examiner's citation of the Brock and Joao Patents as allegedly prior art, Applicant is submitting herewith a Rule 131 Declaration to remove the citation of these Patents as proper references. As all of the Examiner's rejections are based primarily on Brock and Joao, Applicant respectfully requests that all of the Examiner's rejections be withdrawn.

As previously mentioned by Applicant, the Examiner in the past has cited to language in Brock's regular patent application (Serial No. 09/945,933 - filed on September 4, 2001) where the language did not appear in the Brock's provisional application (Serial No. 60/229,862 - September 1, 2000). Only Brock's provisional patent application has an earlier filing date than Applicant's filing date (June 18, 2001). However, Applicant's Rule 131 Declaration shows that even Brock's provisional patent application is not proper prior art.

Though the Rule 131 Declaration removes the Brock and Joao references as proper references and shows that these references are not prior art, in an abundance of caution, Applicant will provide some comments pointing out fundamental differences between Applicant's claimed invention and the invention disclosed in Brock's provisional application. These comments should not be construed in any manner that Applicant believes the Brock reference is prior art.

Brock merely introduces computers and Internet to a conventional market research study. Brock still requires the respondents and moderator to be located in the same room or area so that the moderator and respondents can orally communicate with each other. The respondent computers are used to access an Internet web page to comment on the web page. No visual or oral two-way discussion between the moderator and respondents occurs over the Internet. Brock is not used to provide audio/visual communication with a moderator who may be in a different geographical city from each of the respondents as achieved by Applicant's claimed system and method. Brock's moderator computer is required to be connected to the respondent computer and not a distributed network so that the moderator's computer receives text and ratings entered by the respondents. Brock does not record or display to the moderator the images of the respondents. The moderator in Brock also does not orally or visually communicate with the respondents over a distributed network. Nor does Brock provide for real time audio and visual two way communication between the respondent(s) and a moderator over a distributed network. The client in Brock is also required to be in the same area as where the respondents and moderator are (albeit in a separate room behind a one-way mirror as in traditional research).


In re Application of: Frengut, Renee  
Serial No. 09/883,590  
Reply to Office action of May 4, 2004

For the foregoing reasons, Applicant respectfully requests that the Examiner's rejections be withdrawn and all claims in the subject application be permitted to proceed to allowance.

Applicant has completely responded to the Office Action dated May 4, 2004. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,



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